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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,178	09/22/2003	Satoru Saigo	242953US8	8776
22850	7590	10/31/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
			TANG, KAREN C	
			ART UNIT	PAPER NUMBER
			2151	
			NOTIFICATION DATE	DELIVERY MODE
			10/31/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,178	SAIGO ET AL.
	<b>Examiner</b> Karen C. Tang	<b>Art Unit</b> 2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

- This action is responsive to the amendment and remarks file on 10/1/07.
- Claims 1-23 are presented for further examination.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-5, 8-12 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuyama (EP 1102443).

1. Referring to Claims 1, 8, 11, 17 and 18, Okuyama discloses an information transmission device, comprising: notification reception means for receiving notification concerning detection of a client terminal is in a communicable state with the network (0005); and information transmission means for transmitting undelivered information to the client terminal, provided that the notification reception means receives the notification (0005); when the client terminal

connects to another information transmission device through the network and uses a service provided through the connection (refer to 0014).

2. Referring to Claims 2 and 10 and 16, Okuyama discloses wherein the connection detection means acquires transmission-related information required to transmit information to the client terminal (refer to 0016), and the relay device further includes notification transmission means for transmitting results from the connection detection means (refer to 0011, 0032) and the acquired transmission-related information to an information transmission means for transmitting undelivered information to the client terminal (refer to 0014-0016).
3. Referring to Claim 3, Okuyama discloses information transmission means for transmitting the undelivered information to the client terminal (refer to 0093-0095), provided that the connection detection means detects the client terminal is in a communicable state with the network (refer to 0019 and 0021).
4. Referring to Claims 4, 9, 12, 19, 20, 21, 22 and 23, Okuyama discloses wherein the information transmission means selects undelivered information to be transmitted to the client terminal from information stored in transmission information storage means (refer to 0093-0095), provided that the connection detection means detects the client terminal is in a communicable state with the network, and transmits the selected undelivered information to the client terminal (refer to 0079 and 0093-0095);

undelivered information storage means for storing undelivered information that a mail server (software residing in the relay device) had previously attempted, and failed, to transmit to the client terminal (refer to 0064).

5. Referring to Claim 5, Okuyama discloses wherein the information transmission means transmits the selected undelivered information to the client terminal together with other information transmitted to the client terminal (refer to 0079 and 0093-0095 and 0073).

Claims 6, 7, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama (EP 1102443) in view of Fox et al (US 6,654,786).

6. Referring to Claims 6 and 14, Okuyama disclosed wherein, the step of transmitting comprises transmitting the other information transmitted to the client terminal is information transmitted/received by use of HTTP (refer to 0023);

Although Okuyama disclose the invention substantially as claimed, Okuyama is silence regarding the information transmission means adds the selected undelivered information by changing the HTTP header of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal.

Fox, in an analogous art discloses the information transmission means adds the selected undelivered information by changing the HTTP header (whenever the information is being updated, the header is being changed, refer to Col 6, Lines 50-67) of the other information

transmitted to the client terminal, and transmits the selected undelivered information to the client terminal (refer to Col 7, Lines 1-22 and Lines 30-45).

Hence, providing disclosed by Fox, would be desired for user to implement such functionality because different network type has different advantage/disadvantage, by having a uniform type of push system will ensure that the message being delivered to all type of wireless network.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Okuyama by including the features which changes the header whenever the message being changed/updated.

7. Referring to Claims 7, 13 and 15, although Okuyama disclosed the invention substantially as claimed Okuyama are silence regarding wherein the information transmission means transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal.

Fox, in an analogous art disclosed wherein the information transmission means transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal (push notification and other information are stored in the queue, therefore, when user is ready to receive notification, all notification will be submitted at the same time, refer to Col 13, lines Col 13, lines 1-10).

Hence, providing disclosed by Fox, would be desired for user to implement such functionality because different network type has different advantage/disadvantage, by having a uniform type of push system will ensure that the message being delivered to all type of wireless network.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Okuyama by including the features that transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal.

### ***Conclusion***

**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W.C.T.  
SPE, AU 2144